

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Criminal Case Number:

UNITED STATES OF AMERICA

v.

ASHTON PAUL DAIGLE,

Defendant.

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**INDICTMENT**

**Title 18, United States Code, Section 1365(a)  
(Tampering with a Consumer Product)**

**Title 21, United States Code, Section 841(a)(2)  
(Creating a Counterfeit Controlled Substance)**

**Title 18, United States Code, Section 2 (Aiding and Abetting)**

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THE GRAND JURY CHARGES:

**COUNTS 1-108**

**Title 18, United States Code, Section 1365(a)  
(Tampering with a Consumer Product)**

**Title 18, United States Code, Section 2 (Aiding and Abetting)**

Between on or about September 24, 2008 and on or about October 24, 2008, as  
specified in each Count below, within the District of Colorado, the defendant

**ASHTON PAUL DAIGLE**

with reckless disregard for the risk that another person will be placed in danger of bodily injury, and under circumstances manifesting extreme indifference to such risk, tampered with the consumer products (specified in each Count below) and the containers for such product by removing the flip-top safety seal of the vial containing Fentanyl Citrate and by inserting needles into said vial and removing the Fentanyl Citrate and replacing it with other substances, that affected interstate commerce, as follows:

<b>COUNT</b>	<b>"ON OR ABOUT" DATE</b>	<b>CONSUMER PRODUCT</b>	<b>QTY. IN VIALS</b>	<b>LOCATION OF MANUFACTURE</b>
1	09/24/08	FENTANYL CITRATE	5 ML.	Rocky Mount, NC or McPherson, KS
2	09/24/08	FENTANYL CITRATE	5 ML.	Rocky Mount, NC or McPherson, KS
3	09/25/08	FENTANYL CITRATE	5 ML.	Rocky Mount, NC or McPherson, KS
4	09/25/08	FENTANYL CITRATE	5 ML.	Rocky Mount, NC or McPherson, KS
5	09/26/08	FENTANYL CITRATE	5 ML.	Rocky Mount, NC or McPherson, KS
6	09/26/08	FENTANYL CITRATE	5 ML.	Rocky Mount, NC or McPherson, KS
7	09/29/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
8	09/29/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
9	09/29/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
10	09/30/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
11	10/02/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS

12	10/03/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
13	10/03/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
14	10/03/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
15	10/05/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
16	10/06/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
17	10/06/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
18	10/07/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
19	10/07/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
20	10/07/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
21	10/08/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
22	10/08/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
23	10/08/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
24	10/08/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
25	10/08/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
26	10/08/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
27	10/08/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
28	10/08/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
29	10/09/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
30	10/09/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
31	10/10/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS

32	10/10/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
33	10/10/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
34	10/10/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
35	10/10/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
36	10/12/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
37	10/12/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
38	10/12/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
39	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
40	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS McPherson, KS
41	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
42	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
43	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
44	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
45	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
46	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
47	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
48	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
49	10/13/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
50	10/14/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
51	10/14/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS

52	10/14/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
53	10/15/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
54	10/15/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
55	10/15/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
56	10/15/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
57	10/15/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
58	10/15/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
59	10/15/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
60	10/15/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
61	10/15/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
62	10/15/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
63	10/15/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
64	10/15/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
65	10/15/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
66	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
67	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
68	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
69	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
70	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
71	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS

72	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
73	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
74	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
75	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
76	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
77	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
78	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML. ML.	Rocky Mount, NC or McPherson, KS
79	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
80	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
81	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
82	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
83	10/16/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
84	10/16/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
85	10/16/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
86	10/16/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
87	10/16/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
88	10/16/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
89	10/16/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
90	10/16/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
91	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS

92	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
93	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
94	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
95	10/17/08	FENTANYL CITRATE	2 ML.	Rocky Mount, NC or McPherson, KS
96	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
97	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
98	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
99	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
100	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
101	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
102	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
103	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
104	10/17/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
105	10/23/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
106	10/23/08	FENTANYL CITRATE 100MCG 2 ML	2 ML.	Rocky Mount, NC or McPherson, KS
107	10/23/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS
108	10/23/08	FENTANYL CITRATE 250MCG 5 ML	5 ML.	Rocky Mount, NC or McPherson, KS

All in violation of Title 18, United States Code, Sections 1365(a) and 2.

**COUNTS 109-175**  
**21 U.S.C. § 841(a)(2) and (b)(1)(C)**  
**18 U.S.C. Section 2**  
**(Creation of a Counterfeit Controlled Substance)**

Between on or about September 24, 2008 and on or about October 24, 2004, within the State and District of Colorado and elsewhere, the defendant

**ASHTON PAUL DAIGLE**

knowingly and intentionally created a counterfeit substance, more specifically identified below as vial numbers 1-67, that falsely purported to be Fentanyl, a Schedule II Controlled Substance, as follows:

<b>COUNT</b>	<b>Vial Number</b>	<b>LOCATION OF SEIZURE</b>
109	1	Boulder, Colorado
110	2	Boulder, Colorado
111	3	Boulder, Colorado
112	4	Boulder, Colorado
113	5	Boulder, Colorado
114	6	Boulder, Colorado
115	7	Boulder, Colorado
116	8	Boulder, Colorado
117	9	Boulder, Colorado



118	10	Boulder, Colorado
119	11	Boulder, Colorado
120	12	Boulder, Colorado
121	13	Boulder, Colorado
122	14	Boulder, Colorado
123	15	Boulder, Colorado
124	16	Boulder, Colorado
125	17	Boulder, Colorado
126	18	Boulder, Colorado
127	19	Boulder, Colorado
128	20	Boulder, Colorado
129	21	Boulder, Colorado
130	22	Boulder, Colorado
131	23	Boulder, Colorado
132	24	Boulder, Colorado
133	25	Boulder, Colorado
134	26	Boulder, Colorado
135	27	Boulder, Colorado
136	28	Boulder, Colorado
137	29	Boulder, Colorado

138	30	Boulder, Colorado
139	31	Boulder, Colorado
140	32	Boulder, Colorado
141	33	Boulder, Colorado
142	34	Boulder, Colorado
143	35	Boulder, Colorado
144	36	Boulder, Colorado
145	37	Boulder, Colorado
146	38	Boulder, Colorado
147	39	Boulder, Colorado
148	40	Boulder, Colorado
149	41	Boulder, Colorado
150	42	Boulder, Colorado
151	43	Boulder, Colorado
152	44	Boulder, Colorado
153	45	Boulder, Colorado
154	46	Boulder, Colorado
155	47	Boulder, Colorado
156	48	Boulder, Colorado
157	49	Boulder, Colorado

158	50	Boulder, Colorado
159	51	Boulder, Colorado
160	52	Boulder, Colorado
161	53	Boulder, Colorado
162	54	Boulder, Colorado
163	55	Boulder, Colorado
164	56	Boulder, Colorado
165	57	Boulder, Colorado
166	58	Boulder, Colorado
167	59	Boulder, Colorado
168	60	Boulder, Colorado
169	61	Boulder, Colorado
170	62	Boulder, Colorado
171	63	Boulder, Colorado
172	64	Boulder, Colorado
173	65	Boulder, Colorado
174	66	Boulder, Colorado
175	67	Boulder, Colorado

All in violation of Title 21, United States Code, Section 841(a)(2) and (b)(1)(C); and  
Title 18, United States Code, Section 2.

A TRUE BILL

Ink signature on file in the clerk's office  
FOREPERSON

TROY A. EID  
United States Attorney

s/Jaime Pena

By: Jaime A. Peña  
Assistant U.S. Attorney  
1225 Seventeenth Street, Suite 700  
Denver, CO 80211  
Telephone: 303-454-0100  
Facsimile: 303-454-0402  
Email: [jaime.pena2@usdoj.gov](mailto:jaime.pena2@usdoj.gov)  
Attorney for the Government

DATE: November 18, 2008

DEFENDANT: ASHTON PAUL DAIGLE

DOB:

ADDRESS:

COMPLAINT FILED? \_\_\_\_\_ YES X NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: \_\_\_\_\_  
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? \_\_\_\_\_ YES X NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: COUNT ONE through ONE HUNDRED EIGHT(108): Title 18, United States Code, Sections 1365(a) and 2, Tampering with a Consumer Product and Aiding and Abetting the same.

COUNT ONE HUNDRED NINE (109) through ONE HUNDRED SEVENTY-FIVE (175): Title 21, United States Code, Section 841(a)(2), Creating a Counterfeit Controlled Substance.

LOCATION OF OFFENSE (COUNTY/STATE): Boulder, Colorado

PENALTY: COUNT ONE through ONE HUNDRED EIGHT(108): NMT 10 years imprisonment, NMT \$250,000 fine, or both; NMT 3 years supervised release; \$100 Special assessment fee. If serious bodily injury occurred, NMT 20 years imprisonment, NMT \$250,000 fine, or both; NMT 3 years supervised release; \$100 Special assessment fee

COUNT ONE HUNDRED NINE (109) through ONE HUNDRED SEVENTY-FIVE (175): NMT 20 years imprisonment, NMT \$250,000 fine, or both; NLT 3 years supervised release; \$100 Special assessment fee. However, if death or serious bodily injury results to an individual, NLT 20 years imprisonment or more than life, NMT \$1,000,000 fine, or both; NLT 3 years supervised release; \$100 Special assessment fee.

AGENT: May Lafrance, Special Agent  
U.S. Food and Drug Administration  
Office of Criminal Investigations

AUTHORIZED BY: Jaime Peña  
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

X five days or less      \_\_\_\_\_ over five days      \_\_\_\_\_ other

THE GOVERNMENT

X will seek detention in this case      \_\_\_\_\_ will **not** seek detention in this case

The statutory presumption of detention **is** or **is not** applicable to this defendant. **(Circle one)**

OCDETF CASE:      \_\_\_\_\_ Yes      X No